

Witnesses overlooked in JFK probe

By EARL GOLZ

Most witnesses who may have seen someone other than Lee Harvey Oswald in the so-called assassin's window in 1963 were either overlooked or intimidated by Warren Commission investigators.

Johnny L. Powell, an inmate in the county jail at the time of the assassination of President John F. Kennedy, recently told *The Dallas Morning News* he and others in his cell watched two men with a rifle in the 6th-floor window of the Texas School Book Depository across the street. When he looked,

the men were "fooling with" a scope on the rifle, Powell said.

Powell's sighting of the two men occurred at about the same time amateur photographer Charles L. Bronson was filming what seemed to be two moving images in the same window. This was about 12:24 p.m., or six minutes before the shooting.

POWELL and his fellow inmates weren't questioned by authorities, although one of Jack Ruby's attorneys later mentioned to a Warren Commission investigator that the prisoners

"had a good view of what took place . . . It might be helpful to the commission to know that there were people in jail who saw the actual killing."

Attorney Stanley M. Kaufman made the suggestion to Leon D. Hubert, assistant counsel for the Warren Commission, when Kaufman's deposition was taken three months before the assassination investigation was completed in September 1964.

"I remember that that did occur and it sort of concerned me at the time as to why — if they were trying to find out all these facts — why they didn't go up there and talk to all these prisoners," Kaufman told *The News* recently.

On the day of the assassination, Kaufman was representing a county jail inmate, Willie Mitchell. His client "described to me exactly" what happened when the shots were fired, Kaufman told Hubert, recalling "it made him (Mitchell) sick and everybody else sick up there."

Unlike Powell, Mitchell said he "didn't see anyone in that window" in the depository, Kaufman said. Because he is black, Mitchell probably was on the 5th floor of the then-segregated county jail, which faces Houston Street and Dealey Plaza.

POWELL WAS in a 6th-floor cell coterminous to the 6th-floor corner window of the depository where the Warren Commission placed Oswald at the time of the assassination.

"Quite a few of us saw them (two men in the depository window)," Powell said. "Everybody was trying to watch the parade and all that. We were looking across the street because it was directly straight across. The first thing I thought is, it was security guards . . . I remember the guys."

Powell, then 17 and in jail for three days on charges of vagrancy and disturbing the peace, said "maybe more than half" of an estimated 40 inmates in his cell were trying to look from the windows.

The two men in the window across the street "looked darker" than whites and were wearing "kind of brownish looking or duller clothes . . . like work clothes," Powell said.

When the shooting started Powell was "looking down. And then we kind of looked around. And it (depository window) was empty then."

"I didn't tell very many people,"

Powell said. "Most people don't believe it when you tell them anyway . . . I never said much about it because I didn't want to get involved in it."

Powell was located by *The News* after a tip that resulted from news accounts of Bronson's film.

KAUFMAN SAID he asked Mitchell to contact the Warren Commission but he had "this 'I don't want to get involved' attitude."

Ronald B. Fischer of Mesquite was peering up from the street below at about the same time Powell was watching from the jail.

Fischer recently told *The News* that David W. Belin, an assistant counsel for the Warren Commission, tried to "intimidate" him into testifying the one man he was able to see didn't have the light-colored hair he insisted he did have.

"He (Belin) and I had a fight almost in the interview room over the color of the man's hair," Fischer said. "He wanted me to tell him that the man was dark-headed and I wouldn't do it."

Oswald's hair "doesn't appear to me in the photographs to be as light as the man that I saw," Fischer said, "and that's what Belin was upset about. I see it now, but I didn't see it at the time."

Fischer said he didn't see a rifle or another person in the window but it was "entirely possible" from his point of view that he couldn't have seen another person.

The man he saw was wearing "some kind of a light-colored shirt, like maybe a T-shirt," and "all I could see through the open part of the window . . . was from the middle of his chest up past the top of his head."

"I GAZED at him a little bit because he seemed so transfixed in the way he was sitting," Fischer said. "He was so still . . . like he was heavily concentrating on something or like he was asleep sitting up."

Fischer said the man "seemed transfixed on the triple underpass" at a time when most people were looking the other way for the motorcade.

Across the street from Fischer and Edwards, at the northwest corner of Elm and Houston near the base of the depository, Mrs. Ruby Henderson also saw two men in the window.

"One of them had dark hair . . . a darker complexion than the other," Mrs. Henderson said. "I don't recall the appearance of the other man except form . . . You could see their head and shoulders, but not like they were leaning out."

She said she saw no gun, but "they weren't close enough to be able to know if they were holding anything."

Standing a few feet from Mrs. Henderson was Mrs. Carolyn Walther, a fellow worker at a dress factory across the street from the book depository.

Mrs. Walther looked up at about the same time and also saw two men in an upper-floor window of the depository. One was holding a gun, she said. The gunman was wearing a dark brown suit and the other man had on a light-colored shirt or jacket, she said.

Later the FBI "tried to make me think that what I saw were boxes," Mrs. Walther said.

"They were going to set out to prove me a liar and I had no intention of arguing with them and being harassed," she said. "I felt like I had told them all I knew."

Another witness, Arnold Rowland, said he saw a man in a 6th-floor window of the depository holding a rifle across his chest at 12:15 p.m., or about 10 minutes before the sighting by the women and the shooting of Bronson's film. From his position along Houston Street about a half-block east of the depository, Rowland said he saw a second man, a black, in another window on the 6th floor — the floor from where Oswald was supposed to have shot the president.

ROWLAND STUCK to his story during a lengthy grilling by Warren Commission lawyers. Commission assistant counsel Belin, however, elicited from Rowland's wife that "at times my husband is prone to exaggerate" after he asked her whether "you can rely on everything that your husband says."

Rowland's story is also important because he saw the gunman in the 6th-floor window at 12:15 p.m., or minutes before a book depository employee said she saw Oswald in the 2nd-floor lunchroom.

Mrs. Carolyn Johnston of Stephenville, Texas, told *The News* recently that she saw Oswald on the second floor as she was on her way out of the depository at about 12:25 p.m. to watch the motorcade. Five minutes later the shots rang out.

Mrs. Johnston said she never had read the FBI reports of two interviews with her, but she was surprised to learn they made no mention of her sighting Oswald in the lunchroom.